

REMARKS/ARGUMENTS

Independent claims 1, 18 and 38 have been amended to recite that the exogenous nucleic acid comprises at least one recombination site recognized by a site specific recombinase, support for which is found throughout the specification and in claim 12. Claim 12 has been cancelled. These amendments have been made to place the pending claims in condition for allowance. No new matter has been added. Entry of these amendments is respectfully requested.

35 U.S.C. § 112

The Examiner rejected claim 12 as allegedly lacking written description on the basis that the specification does not provide support for recombination sites within restriction enzyme sites. Claim 12 has been cancelled making this rejection moot. However, amended independent claims 1, 18 and 38 now recite that the exogenous nucleic acid comprises at least one restriction site and at least one recombination site recognized by a site specific recombinase. As the Examiner points out, the specification discusses the presence of site-specific recombination sites in the exogenous nucleic acid. Specification pp. 11-12. Applicants submit that the claims as amended would not be subject to this rejection.

35 U.S.C. § 103

Claims 1, 2, 5-9, 11, 14-16, 18 and 36-41 have been rejected as allegedly obvious in light of *Famelaer et al.* (Theor. Appl. Genet., 79:513-520 1990), *Blume et al.* (Plant J., 12:731-746 1997) and *Adam et al.* (Plant J., 11:1349-1358 1997). The Examiner did not include claim 12 in this rejection, noting that the cited references do not teach recombination sites recognized by site-specific recombinase. Independent claims 1, 18 and 38 have been amended to recite that the exogenous nucleic acid comprises at least one recombination site recognized by a site specific recombinase. In light of these amendments,

Applicants submit that all of the pending claims are now in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: February 23, 2007

Respectfully submitted,

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